TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No. ITL.0289US

In Re Application Of: **Randy P. Stanley**

Serial No.	Filing Date	Examiner	Group Art Unit
09/450,261	11/29/99	Kenny S. Lin	2154

Invention: **Automatically Enabling Information To Be Displayed After A Processor-Based System Is Turned Off**

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on

The fee for filing this Appeal Brief is: **$330.00**

☒ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **20-1504**

Signature

Dated: **January 19, 2004**

Sanjeev K. Singh under 37 C.F.R. Section 10.9(b)
Registration No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024
(713) 468-8880
(713) 468-8883 (fax)

I certify that this document and fee is being deposited on **January 19, 2004** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Rebecca Ginn

Typed or Printed Name of Person Mailing Correspondence

cc:

#19 TARAEV 2/5/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Randy P. Stanley	§	Group Art Unit:	2154
Serial No.:	09/450,261	§	Examiner:	Kenny S. Lin
Filed:	November 29, 1999	§		
For:	Automatically Enabling Information To Be Displayed After a Processor-Based System Is Turned Off	§	Atty. Dkt. No.:	ITL.0289US (P7820)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Applicant respectfully appeals from the final rejection mailed December 10, 2003.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

II. RELATED APPEALS AND INTERFERENCES

Claims 1-20 have been the subject of an earlier appeal.

III. STATUS OF THE CLAIMS

Claims 1-20 have been finally rejected and are the subject of this appeal.

Date of Deposit: January 19, 2004
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Rebecca R. Ginn

IV. STATUS OF AMENDMENTS

All amendments are believed to have been entered.

V. SUMMARY OF THE INVENTION

Referring to Figure 1, a processor-based system 10 may be coupled to a standby system 12. In one embodiment of the present invention, the processor-based system 10 and the standby system 12 may be contained within the same housing. Thus, the user may not appreciate that two distinct processor-based systems are provided. Specification at page 3, lines 13-18.

The processor-based system 10 may be any conventional computer system, including a laptop or portable computer system operable from a battery. The processor-based system 10 may include a real time clock (RTC) 14 and an information manager application 16 such as a personal information manager (PIM) application. A driver 20 may drive a speaker 22 in accordance with one embodiment of the present invention. An application program 24 may act as an interface between the application 16 and the standby system 12. Specification at page 3, line 19 through page 4 line 2.

While the present invention is described in connection with an embodiment in which a personal information management (PIM) application utilized, the present application is applicable to systems which involve time sensitive data which may come in a variety of different types of information including time information and time sensitive alerts as additional examples. Thus, it is not essential that the information be associated with a PIM application in particular. Specification at page 4, lines 3-11.

The standby system 12 may be coupled to the processor-based system 10 by an appropriate link. In embodiments in which separate housings are utilized for the systems 10 and 12, a tethered connection may be provided between the systems 10 and 12. In other embodiments, the systems 10 and 12 may be coupled by a airwave communication link, such as a infrared link, a radio link or a cellular telephone link. Specification at page 4, lines 12-19.

In some embodiments of the present invention, the standby system 12 may use the same power supply as the system 12. In the case where the processor-based system 10 is run from a battery, the standby system 12 may also be operated from the same battery. In addition, in some embodiments, the standby system 12 may be coupled to the real time clock 14 of the processor-based system 10 so that timing is synchronized between the two systems. Specification at page 4, line 20 through page 5, line 2.

The processor-based system 10 may store an application 16, such as a scheduler, a calendar or the like which may receive time sensitive data such as the time for appointments, telephone calls or the like. The application 16 may be user programmed to give a visible or audible alert at a preprogrammed time. In order to ensure that this information is always available for notification to the user, the application 16 information may be transferred to the standby system 12. Specification at page 5, lines 3-11.

This transfer of application 16 information may be implemented in a variety of ways. It may be implemented automatically in response to an indication that the processor-based system 10 is about to be powered off. Alternatively, every time a given type of information is stored on the processor-based system 10 in association with the application 16, that information may be

automatically transferred to the standby system 12. For example, whenever the user sets an alert to audibly or visibly notify the user of a given event, information about that alert may automatically be transferred to the standby system 12. As still another embodiment, the information associated with the application 16 may automatically be transferred at periodic intervals to the standby system 12. Specification at page 5, lines 12-25.

In each case, the expectation is that by automatically transferring the time sensitive data from the processor-based system 10 to the system 12, upon power off of the system 10, the data may still be available on the system 12. The system 12 may include a display 18 in one embodiment of the present invention that may be operated even when the processor-based system 10 is in its power off state. In addition, the standby system 12 may operate the driver 20 and speaker 22 to provide an audible indication, at a predetermined time, in keeping with the information provided by the application 16. In other embodiments of the present invention, the standby system 12 may include its own speaker 22. Specification at page 6, lines 1-13.

Through the standby system 12 that is always powered on, the user may be notified of an important activity or event that is stored in his or her application 16. Alternatively, the system 12 may be automatically powered on whenever the processor-based system 10 is about to be powered off. Thus, one of the two systems 10 or 12 is always in a powered on state ready to provide time sensitive data, in one embodiment of the invention. Specification at page 6, lines 14-21.

Referring to Figure 2, in accordance with one embodiment of the present invention, software 24 may be stored on the processor-based system 10, for example a hard disk drive. The

flow begins by determining when a power off state is about to occur as indicated in diamond 26. In such case, any active application 16 task may be transferred to the standby system 12 as indicated in block 28. Thus, events of a particular type may automatically be transferred from the system 10 to the system 12 prior to shut down of the system 10. The software 24 may extract time sensitive alerts from PIM applications in one embodiment of the invention. Specification at page 6, line 22 through page 7, line 7.

For example, pre-programmed alerts which are designed to notify the user of a given event may be transferred to the standby system 12 prior to shut off. After transferring the information, the processor-based system 10 may proceed to a power off state, as indicated in block 30. Specification at page 7, lines 8-12.

In other embodiments of the present invention, as described previously, the transfer of time sensitive data to the standby system 12 may be done automatically whenever events of a certain type are preprogrammed. Alternatively, the data may be periodically automatically transferred to the standby system 12. Specification at page 7, lines 13-18.

In some embodiments of the present invention, the power consumption of the standby system 12 may be considerably less than that encountered with the overall system 10. Thus, power may be reasonably conserved. Specification at page 7, lines 19-22.

Turning now to Figure 3, software 32 may be stored on the standby system 12 in accordance with one embodiment of the present invention. The software 32 may monitor for PIM application 16 information, as indicated in diamond 34. When PIM information or other time sensitive data is transferred, the standby system 12 may be activated automatically. The

system 12 may compare the time of the time sensitive data, such as a PIM alert, contained in a queue containing one or more time sensitive events, to the information about the current time from the real time clock 14, as indicated in block 36. When there is a match, as indicated in diamond 38, an audio or visible display may be activated as indicated in block 40. In one such case, an image of the calendar, produced by the PIM application 16, may be displayed on a display 18 or a sound may be produced, for example from the speaker 22, to alert the user (block 42). After a time out is reached, as indicated in diamond 44, the flow may be terminated. Specification at page 7, line 23 through page 8, line 14.

Turning next to Figure 4, in accordance with one embodiment of the present invention, the system 10 may be a laptop or portable computer which includes within its housing the system 10 and the standby system 12. The laptop may include a display portion 46 that folds onto a keyboard portion 48. The display 18 may be provided on the exterior of the housing of the system 10, for example on the portion 46. Thus, even though the system 10 is in its closed configuration and is powered off, the user may be notified, for example through the display 18 on the exterior of the housing, of alerts and other time sensitive events. Specification at page 8, lines 15-26.

In accordance with one embodiment of the present invention, the standby system 12 may be implemented by a microcontroller 50 which is coupled to the display 18 and to a storage 52, as shown in Fig. 5. For example, in one embodiment of the present invention, the storage 52 may store the software 32. The microcontroller 50 may also be coupled to an interface 53 which in turn may be coupled to the processor-based system 10. In this way, the systems 10 and 12

may exchange information such as the real time clock information, PIM information and signals to the processor-based system 10 and speaker 22. Specification at page 9, lines 1-11.

In one embodiment of the present invention the system 12 may be a cellular telephone linked to the user's personal computer. On the opposite end of the spectrum, the system 12 may be a server. For example, the system 12 may be an Internet server. When the user is about to turn off his or her computer system 10, for example before going on a trip, the user's time sensitive data may automatically be transferred to a Web site operated by the server. The user can then access the time sensitive data, once stored on the Web site, from a computer different from the one originally used to record the PIM information. Specification at page 9, lines 12-22.

Referring to Figure 6, the display 18, in accordance with one embodiment of the present invention, may display a graphical user interface 56 such as a calendar. Thus, a plurality of times may be displayed, with a particular meeting time 58 highlighted. In one embodiment user definable information may be scrolled across the display 18. Thus, by exporting the time sensitive data from the application 16, the user is provided with a portion of his or her overall calendar and given a visual warning of the timed event. Specification at page 9, line 23 through page 10, line 6.

Turning finally to Figure 7, the processor-based system 10 may include a processor 60 coupled to an interface 62 such as a bridge. The interface 62 may be coupled to a system memory 64 and a display controller 66. A display 68 may be coupled to the display controller 66. An interface 70 may be coupled to the interface 62 as well as to a system bus 72. The real time clock may be part of the interface 70. The system bus 72 may be coupled to a storage

medium 74, storing the software 76 for example that implements the PIM functions and the software 24. Specification at page 10, lines 7-16.

In addition, the interface 70 may be coupled to a secondary bus 78 coupled to the interface 80. The interface 80 is coupled to the standby system 12 through its interface 53. Specification at page 10, lines 17-20.

The secondary bus 78 may also couple a BIOS storage 82. The software 24 may be part of the BIOS software stored on the BIOS storage 82. Specification at page 10, lines 21-23.

The storage 74 may define a time sensitive data queue, controlled for example by the application 24, for storing a plurality of time sensitive alerts in accordance with one embodiment to the present invention. The queue may be in the form of a content addressable memory (CAM) with each location associated with a tag indicative of a particular time for action. The queue may be searched to find alerts having a tag indicative of a time that matches the current time, for example obtained from the real time clock. Specification at page 10, line 24 through page 11, line 6.

The application 24 may be responsible for gathering time sensitive data from the application 16, prioritizing that data, ordering the data in the queue and running the queue. The application 24 may also notify the user when the last alert in the queue has been completed. Specification at page 11, lines 7-11.

In some cases, the queue depth may be exceeded, for example because the number of timed entries exceeds the capacity of the queue. In such cases, a notification may be provided to the user that the queue depth has been exceeded and that additional entries may not be accepted.

This may be accomplished for example, by a suitable graphical user interface. Specification at page 11, lines 12-18.

In some embodiments of the present invention, it may advantageous to provide the ability to mute the audible notification so that the user is not disturbed when the user is in a meeting or the like. In such cases, the user may enter a command through the processor-based system 10 which mutes any audible alerts until the mute is released. In addition, it may be desirable to provide a interrupt which allows the user to enter a code into the processor-based system 10 to turn off the on-going display, on the display 18, of an alert or upcoming timed event. In addition it may be desirable in some cases to turn off the display 18 at any time when the processor-based system 10 is operational to avoid duplicative indications of time sensitive data. Specification at page 11, line 19 through page 12, line 6.

While the program 24 is illustrated as being an application program, it may also be implemented as part of an operating system. The program 24 may also be part of a personal information manager application as well. Specification at page 12, lines 7-10.

VI. ISSUES

A. Is Claim 1 Rendered Obvious Over the Narurkar Reference in view of the Padwick Reference?

B. Is Claim 2 Rendered Obvious Over the Narurkar Reference in view of the Kanevsky Reference?

VII. GROUPING OF THE CLAIMS

For purposes of this appeal, claims 1, 3-20 may be grouped together. The patentability of this group and claim 2 is discussed below.

VIII. ARGUMENT

All claims should be allowed over the cited references for the reasons set forth below.

A. Is Claim 1 Rendered Obvious Over the Narurkar Reference in view of the Padwick Reference?

Rejection of claim 1 is maintained under 35 U.S.C. § 103(a) over U.S. Patent No. 6,339,795 to Narurkar et al. (hereinafter, "Narurkar") in view of Padwick et al. (Using Microsoft Outlook 98, hereinafter, "Padwick"). Claim 1 calls for a method that includes automatically transferring time sensitive data from a storage coupled to a first processor-based system to a storage coupled to a second processor-based system and automatically displaying the time sensitive data on a display coupled to the second processor-based system at a predetermined time.

1. The automatic display of time sensitive data on a display coupled to the second processor-based system at a predetermined time must be taught where the time sensitive data is automatically transferred for automatic display from a first processor-based system.

The rejection fails to show where Narurkar teaches or suggests, as acknowledged by the Examiner, automatic display of time sensitive data on a display coupled to second processor-based system at a predetermined time where the time sensitive data is automatically transferred

for automatic display. The Padwick reference does not teach interacting with another processor-based system from which the time sensitive data has to be automatically transferred to a processor-based system on which the Outlook 98 software does not execute. Therefore, the combination of automatic transfer and automatic display of time sensitive data from one storage to another storage is not taught or even suggested by the Narurkar and Padwick references, whether considered alone or together.

Narurkar merely teaches automatic transfer of address/schedule/program data between disparate data hosts. There is no teaching whatsoever as to automatically displaying time sensitive data, which is automatically transferred, as claimed in claim 1. Only automatic mapping between fields of a source data host and corresponding fields of a destination data host is provided in the Narurkar reference, but no automatic display at a predetermined time on a display coupled to second processor-based is even remotely suggested or taught therein. In this manner, there is no teaching of receiving automatically transferred time sensitive data for automatic display at a predetermined time on the display coupled to the second processor-based system.

The Padwick reference when teaching Outlook 98 software simply indicates that it operates on a single processor-based system on which it is appropriately installed. In other words, interaction between two processor-based systems as claimed in claim 1 is not taught by either the Narurkar reference or the Padwick reference, whether considered alone or in combination. Thus, even if combined, the Narurkar reference and the Padwick reference fails to

teach automatic displaying of the time sensitive data that is automatically transferred on a display coupled to the second processor-based system at a predetermined time.

In the Advisory Action, the Examiner states that cited references cannot be considered individually, rather should be considered in combination. The appellant respectfully submits that, as set forth above, both the references are considered alone and in combination. Nonetheless, a rationale to combine the teachings must be present in the cited reference itself. Accordingly, the Applicant respectfully submits that claim 1 and the claims depending therefrom are in condition for allowance regardless of whether the two cited references are considered separately or jointly in combination, as discussed herein.

The Examiner reasons that it is well known for automatically displaying the time sensitive data that is automatically transferred on the display, which must be coupled to the second (receiving) processor-based system at a predetermined time. However, no specific citation or reference is provided to indicate such teaching. Absent a specific hint or a teaching, a *prima facie* case of obviousness cannot be established. Accordingly, claim 1 is not rendered obvious and is in condition for allowance. The claims that depend from independent claim 1 are also in condition for allowance because they are dependent on an allowable claim for the reasons set forth above.

Specifically, while Narurkar did not teach that the transferred data is automatically displayed, as admitted by the Examiner, the Padwick reference merely teaches automatically displaying time sensitive data. However, the time sensitive data is not transferred from a processor-based system to a system on which Outlook 98 is installed, as contemplated by the

Examiner. In this manner, the Padwick reference cannot teach an automatic display of data which is automatically transferred from another system because Outlook 98 is simply designed to operate on a single processor-based system on which the time sensitive data resides. Absent a specific teaching or a hint which entails automated display of automatically transferred data involving a two processor-based system combination with particular capabilities, all the claim limitations in claim 1 are not rendered obvious.

Therefore, consideration of the specific claim limitations of independent claim 1 is respectfully requested. That is, the automatic display of time sensitive data on a display coupled to the second processor-based system at a predetermined time must be taught where the time sensitive data is automatically transferred for automatic display from a first processor-based system.

2. The rejection is based on a notion of automatically displaying transferred data on a system on which the time sensitive data is located or stored at and not automatically transferred to.

The Examiner argues that the Padwick reference (Outlook 98) teaches the concept of using reminders that are automatically displayed at a predetermined time. However, as recited in claim 1, time sensitive data from one processor-based system to another processor-based system is first transferred and later at a predetermined time displayed automatically. The Padwick reference merely teaches automatically displaying transferred data on a system on which the time sensitive data is located or stored at. There is no teaching where Padwick teaches that time

sensitive data from one processor-based system to another processor-based system is first transferred and later at a predetermined time displayed automatically.

Generally, Outlook 98 may be loaded in a processor-based system on which time sensitive data also resides. The time sensitive data may be automatically displayed on that system itself. However, there is no teaching in the Padwick reference where data is first automatically transferred from a first system and later automatically displayed on a second system, as claimed in claim 1. Absent such teaching of automatic transfer in combination with automatic display on two different processor-based systems, the limitations in claim 1 are not rendered *prima facie* obvious to one of ordinary skill in the relevant art. Accordingly, the § 103 rejection of independent claim 1 and the claims depending therefrom should be reversed.

B. Is Claim 2 Rendered Obvious Over the Narurkar Reference in view of the Kanevsky Reference?

Claim 2 stands rejected under § 103(a) over the Narurkar and Padwick references and further in view of Kanevsky et al. (U.S. Patent No. 6,496,949, hereinafter, "Kanevsky"). The method of claim 2 calls for the time sensitive data being automatically transferred from the storage coupled to the first processor-based system when it is determined that the first processor-based system is being powered off. When combined, however, the three cited references fail to teach that when it is determined that the first processor-based system is being powered off, automatic transfer of the time sensitive data from its associated storage to the second processor-

based system's storage occurs for automatic display at a predetermined time on a display that is coupled to the second processor-based system.

Kanevsky simply teaches data backup to prevent the data from being lost. It is not clear whether Kanevsky taught automatic backup of the data to a second processor-based system. Instead, automatic backup to the first processor-based system itself is disclosed. Absent any reason or teaching as to the automatic display of automatically transferred data at a predetermined time on a display that is coupled to the second processor-based system, the combination of the Narurkar, Padwick and Kanevsky references fail to teach as a whole all the limitations of claim 2. The Applicant respectfully submits that the § 103 rejection of claim 2 is not made out, as a *prima facie* case of obviousness is missing. Thus, the § 103 rejection of claim 2 should be reversed.

The Examiner acknowledges that the Narurkar and the Padwick references do not specifically teach that the automatic transferring is triggered when it is determined that the first processor-based system is being powered off. However, it is suggested that Kanevsky teaches triggering data transferring when the system is determined to be powering off. As set forth above in the context of claim 1, automatic transfer and automatic display of time sensitive data when it is determined that the first processor-based system is being powered off is not taught or suggested by the combination indicated by the Examiner. That is, for similar reasons as to claim 1, claim 2 is also in condition for allowance.

IX. CONCLUSION

Since the rejections of the claims are improper, they should be reversed.

Respectfully submitted,

Date: 01/19/03

Sanjeev K. Singh under 37 C.F.R. § 10.9(b)
Registration No. 28,994
TROP, PRUNER & HU, P.C.
8554 Katy Freeway, Suite 100
Houston, TX 77024-1805
713/468-8880 [Phone]
713/468-8883 [Fax]

APPENDIX OF CLAIMS

1. A method comprising:

automatically transferring time sensitive data from a storage coupled to a first processor-based system to a storage coupled to a second processor-based system; and

automatically displaying said time sensitive data on a display coupled to said second processor-based system at a predetermined time.

2. The method of claim 1 wherein said time sensitive data is automatically transferred from the storage coupled to the first processor-based system when it is determined that the first processor-based system is being powered off.

3. The method of claim 1 including automatically transferring personal information manager information.

4. The method of claim 3 wherein automatically transferring personal information manager information includes automatically transferring timed alerts.

5. The method of claim 1 including automatically providing an audible alert at a predetermined time.

6. The method of claim 1 including providing real time clock information from said first processor-based system to said second processor-based system.

7. The method of claim 1 including automatically displaying a portion of a calendar graphical user interface.

8. An article comprising a medium for storing instructions that cause a processor-based system to:

automatically transfer time sensitive data from a storage coupled to a first processor-based system to a storage coupled to a second processor-based system; and

automatically display said time sensitive data on a display coupled to said second processor-based system at predetermined time.

9. The article of claim 8 further storing instructions that cause a processor-based system to automatically transfer data from the storage coupled to the first processor-based system when it is determined that the first processor-based system is being powered off.

10. The article of claim 8 further storing instructions that cause a processor-based system to automatically transfer personal information manager information.

11. The article of claim 10 further storing instructions that cause a processor-based system to automatically transfer timed alerts.

12. The article of claim 8 further storing instructions that cause a processor-based system to automatically provide an audible alert at a predetermined time.

13. The article of claim 8 further storing instructions that cause a processor-based system to provide real time clock information from said first processor-based system to said second processor-based system.

14. The article of claim 8 further storing instructions that cause a processor-based system to automatically display a portion of the calendar graphical user interface.

15. A processor-based system comprising:

a processor;

a first storage storing a personal information manager application; and

a second storage storing software including instructions that cause the processor to automatically transfer time sensitive data to another processor-based device to automatically display said time sensitive data at a predetermined time.

16. The system of claim 15 including a link on said system to said device.

17. The system of claim 16 wherein said system is a portable computer that includes said device.

18. The system of claim 17 including a display for said device and a housing for said computer, said display being located on the outside of said housing.

19. The system of claim 17 wherein said device receives clock information from said system.

20. The system of claim 15 wherein said processor automatically transfers said data to said device when the processor detects that the system will be turned off.